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ANNUAL MESSAGE

OF THE

GOVERNOR OF VERMONT,

TO

THE LEGISLATURE,

OCTOBER SESSION, 1859.

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MESSAGE.

Fellow Citizens of the Senate

and House of Representatives :

The circumstances under which we are assembled to perform the labors and duties of State legislation, I am happy in believing, are not of an unpleasant character. During the past year the earth has yielded its accustomed store of agricultural productions, our people have been blessed with a common measure of health, and their business transactions and prospects have undergone a marked and decided improvement. The general business interests of the State, indeed, appear to be in a healthy and prosperous condition.

We meet also for the first time in the new State edifice, and can hardly fail to be favorably and agreeably impressed with its fine proportions and the beautiful style of its finish, and also with the convenience of its arrangements, and the appropriate fitness of its furniture and appendages. The building is indeed a noble and imposing structure, and we may justly be proud of it as our State Capitol. I congratulate you on its completion, and I doubt not you will concur with me that much credit is due to those who have been concerned in its erection, as well for the rapidity with which the work has been pushed forward, as for the neat and substantial manner in which it appears to have been executed.

I trust we shall enter upon our legislative labors in a just and commendable spirit, and with a determination to bring them to as speedy a close as the interests and welfare of the State will permit.

STATE FINANCES.

The condition of our State finances will require, and will no doubt receive, your careful consideration.

I think it my duty to call your attention to the fact, appearing by the Auditor's Report, that the State expenditures during the past political year have considerably exceeded the accruing revenue. Such has also been the case for several years past, requiring the adoption of a more rigid system of economy, or a resort to additional taxation, or both, in order to avoid the necessity of creating a new State debt. I am not disposed to recommend a parsimonious course of legislation in regard to proper objects of appropriation, but I deem it worthy of consideration whether some of our State expenses may not be reduced without violating the principles of a judicious economy.

CRIMINAL PROSECUTIONS:

Among the expenditures which, I think, deserve legislative consideration, are those connected with prosecutions for crime in the several counties. An examination of the Auditor's Reports for the present and former years will show that the expenses in this branch of the public service are large, and that they have been constantly increasing for several years past without an apparent corresponding increase in legitimate criminal business. The accounts of state's attorneys, sheriffs, clerks and others, connected with these expenditures, are adjusted by county auditors appointed by the supreme court, and they are far from following a uniform system of allowances. Charges which would be discarded in some counties as illegal, would be allowed

in others, and for the like service different rates of compensation are permitted by different auditors, some of them apparently of an improvident character. It seems indispensable that these accounts should be adjusted in the several counties, and perhaps the present system is liable to as few objections as any that could be adopted. But it is respectfully submitted for your consideration whether it may not be improved by further legislative regulation. As one means of accomplishing this object, I would suggest that the State Auditor be required to report to the General Assembly, during the first week in each session, a statement of the allowances which have been made by the several county auditors during the preceeding political year, which in his opinion are either illegal or excessive in amount, together with such suggestions as he shall deem proper for producing more just and uniform allowances. Such a requirement of the State Auditor, it is believed, would operate as a check upon improper allowances, and by bringing the subject annually to the attention of the legislature, would enable them to apply the proper remedy for any evils that should, from time to time, be found to exist.

In connexion with a provision of this kind, I would also recommend that all fees whatever to state's attorneys, for their services, be abolished, and, in lieu thereof, fixed salaries allowed them from the state treasury. The rates of compensation to the several state's attorneys might be graduated either by the number of senators to which the counties are respectively entitled, or according to some other rule corresponding as nearly as practicable to the amount of business to be performed by each. I am persuaded that salaries sufficiently liberal to ensure a just and proper attention to the duties of the office might be thus paid, and at the same time the expenditures in this branch of the public service be very much lessened.

BANKS, INSANE ASYLUM AND STATE PRISON.

I deem it unnecessary to call to your special notice the various important matters embraced in the State Auditor's Report. The Banks, now in operation in the State, appear, from the Commissioner's Report, to be in a safe and sound condition. The Asylum for the Insane, and also the State Prison, seem to have been conducted during the year in a satisfactory and successful manner. I commend the statements and suggestions of those connected with the examination and administration of these institutions respectively, and those of the Bank Commissioner, to your careful consideration.

GEOLOGICAL SURVEY.

I have received from the Rev. Dr. EDWARD HITCHCOCK, the State Geologist, the introductory part of the final report of the Geological survey of the State, and am happy in being able to say that the whole may be expected to be ready for publication at no very distant day. I trust the report will be creditable to those concerned in its preparation, and to the State. Such part of it as shall have been furnished me will be laid before you early in the session, with any suggestions in regard to the work that shall occur to me as important.

CABINET OF NATURAL HISTORY.

In obedience to the provisions of an act of the last session of the legislature, I appointed ALBERT D. HAGER, to take charge of, and arrange, the cabinet of minerals and specimens of natural history, purchased of the widow of the late ZADOCK THOMPSON, who has removed them to Montpelier, preparatory to placing them in the capitol. These, and also the specimens belonging to the geological survey, will be arranged for exhibition in the room designed for that purpose, as soon as the cases can be prepared for their reception.

BOARD OF EDUCATION.

The subject of education deserves the earnest attention of all who have in view the best interests of the State ; for upon the proper educational training of our youth depends in a great measure the preservation of our free institutions, which are the pride and glory of the American people. The Vermont Board of Education has been in existence less than three years, and I think it is not too much to say that it has proved of great public benefit. If it has not answered the full expectations of some, it cannot be denied that the array of facts in relation to the schools throughout the State, which have been gathered through its instrumentality, are in a high degree valuable. The third Annual Report of the Board, with the Report of the Secretary, will be submitted to you in due time, and I trust they will meet with the consideration which their importance demands. It is needless for me to say that the Secretary of the Board has discharged his onerous duties with signal ability. He has been at great pains to compile a summary of the school laws, which, with a copious index, he appends to his interesting report ; and this is the more commendable when it is known that the work is done out of the line of his own official duties, and without any expectation or desire of any compensation whatever.

THE MILITIA.

In accordance with the provisions of the act of the last session of the legislature relating to the militia, I have caused the uniform militia of the State to be divided into four regiments. Two of the regiments have been called out for drill, inspection and review during the past month, and have shown a commensable attention to military discipline, performing their various duties in a creditable and soldierly manner.

INTOXICATING DRINKS.

Our laws prohibiting the traffic in intoxicating liquors have become the settled and approved policy of the State. If any additional legislative provisions to increase their usefulness and efficiency should be found necessary, I shall be very ready to concur in them.

JUVENILE OFFENDERS.

I beg leave again to call your attention to the subject of the establishment of a reformatory school for juvenile offenders. Vermont alone of all the New England States is without an institution of this character, and I deem it worthy of your serious consideration whether legislation on this subject should longer be delayed.

ATTACHMENT LAWS.

I would also renew the recommendation made in my former annual message, that our laws relating to the attachment of property on mesne process, be so modified as to provide for its equal distribution among all attaching creditors.

LEGISLATION BY JOINT RESOLUTIONS.

I deem it important that the boundaries of the powers of the different branches of the State government should be preserved inviolate, and therefore feel it my duty to call your attention to a class of cases in which I think an encroachment has sometimes been made by the Senate and House of Representatives upon the authority of the Executive. I allude to attempted acts of legislation, in the form of joint resolutions of the two houses, without asking the concurrence of the Governor.

The constitution (Sec. 15) prescribes the style or form in which the laws of the State shall be passed, viz. : by enactment ; and provides (Sec. 11 of amendments,) that "every bill which shall

have passed the Senate and House of Representatives, shall, before it becomes a law, be presented to the Governor" for his approval. The Constitution also provides (Sec. 17) that "no money shall be drawn out of the Treasury, unless first appropriated by act of legislation." These constitutional provisions, I think, have recently been disregarded in several instances. Among others, in the case of a joint resolution adopted by the two Houses at the October session, 1857, relating to the compensation to Henry Stevens, in which Commissioners are named to adjudicate his claim against the State, their compensation limited, the Secretary of State and also the Governor instructed in their official duties, and the Auditor of Accounts directed to appear before the Commissioners as attorney for the State, and to draw an order on the Treasury for whatever balance the Commissioners may find due from the State to the said Stevens. These resolutions do not appear to have been presented to the Governor for his approval, and it is respectfully submitted that they were legally inoperative and void, inasmuch as they assume the office and authority of a law, by prescribing rules of action for the government of those to whom they relate, and also undertake to draw money from the Treasury without an act of legislation. Of like character, as I conceive, is a joint resolution of the last session, relative to the compensation of persons employed by the Sergeant-at-Arms, and another relating to the figure on the dome of the State-House, both of which provide for drawing money from the Treasury without authority of law. I do not object to these resolutions that they propose improper measures for legislation. If the provisions they contain had been passed in the form of enactments, it is very likely they would have met the ready approval of the Executive. But if, as joint resolutions, they are to be considered as precedents for the government of future General Assemblies, it is difficult to

conceive of any act of legislation which may not be performed by the two Houses alone, without the concurrence of the Governor.

THE PARDONING POWER.

A constitutional question has arisen in relation to the pardoning power of the Executive, to which I deem it proper to call your attention in order to avoid any misapprehension on the subject. It has been claimed that the exception in the Constitution of cases of murder and treason from the pardoning power of the Governor is not absolute, but only deprives him of the power until the end of the next session of the Assembly after the passing of the sentence. This construction would seem to be favored by an act of the legislature of 1855, and another in 1856. I have been unable so to understand the Constitution. I can conceive of no reason why the pardoning power of the Executive in these cases should be absolutely prohibited for the few months or weeks that might intervene before the next session of the legislature, and be left in full force forever afterwards. If the legislature, having had an opportunity to act upon a case, should decline to interfere, there would, indeed, seem to be an additional reason why the Governor should not. The object of the framers of the Constitution appears to me to have been to place these two crimes beyond the pardoning power of the Governor, conferring on him a limited authority to reprieve, in order to enable him, if he saw fit, to give to a party convicted, an opportunity of applying to the legislature for relief. If the language of the Constitution be read as printed in the first Constitution of the State, by separating the words "but not so pardon" by commas from the other parts of the sentence, (see Slade's State Papers p. 250,) I think such would be the natural construction of the language.

SLAVERY.

The position of Vermont on the subject of slavery, which has for several years past so much agitated the public mind, remains unchanged. While yielding due obedience to the provisions of the constitution of the general government, Vermont does not claim a right to interfere with slavery in the States where it exists by law, she protests in strong and emphatic terms against its extension into the territories of the Union, which she insists shall be forever consecrated to freedom. And though she does not deny her obligation by compact to surrender fugitives from service, when duly shown to be such, she repudiates all pretensions of right in the slaveholder to bring his slave into this State and hold him here in bondage ; and will never, under any circumstances, permit her soil for a single moment to be thus contaminated by the curse of slavery.

I am sorry to feel under the necessity of saying that a new and most demoralizing manifestation of the progressive and grasping power of slavery has been made during the past year. Not only is the relation of master and slave advocated at the South as the best and most desirable condition of society, but the African slave trade, which a few years ago both the South and North united in denouncing as robbery and piracy, is now openly proclaimed by leading Southern politicians as a commendable species of commerce, and its re-opening even urged as a measure of benevolence and christian philanthropy. It is unnecessary to say, that any attempt to legalize this horrid and abominable traffic will receive the most decided condemnation of the people of this State.

In closing this my last annual message, I cannot withhold the expression of my grateful thanks to the freemen of the State, for the confidence they have on all occasions so generously manifest-

ed towards me ; and I beg to assure them, that in retiring from public life at the end of the present political year, I shall carry with me the warmest and most heartfelt wishes for the continued prosperity of the State, and for the welfare and happiness of its people.

HILLAND HALL.

EXECUTIVE CHAMBER, }
Montpelier, Oct. 14, 1859. }